

Shoreline Change Initiative



Overview of the South Carolina Beachfront Management Act

Bill Eiser, SCDHEC-OCRM

It seems so easy....

“Erosion is a natural process which becomes a significant problem for man only when structures are erected in close proximity to the beach/dune system.”

**~ Section 48-39-250(6) of the SC
Coastal Zone Management Act**

...but are we too late?



Federal Coastal Zone Management Act

- **Allows states to enact their own coastal zone legislation within certain guidelines and become eligible for federal funds**
- **Allows flexibility in state programs – there is no national standard for dealing with beach erosion**

SC Coastal Zone Mgmt. Act, 1977-1988

- **Limited beachfront jurisdiction**
- **“Critical line” set at the landward toe of the primary dune, or at the erosion scarp line for eroding beaches**
- **No jurisdiction landward of this line**
- **Seawalls routinely permitted**

Net result: by the mid 1980s, this...



South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management

...was turning into this.



1987 Blue Ribbon Committee

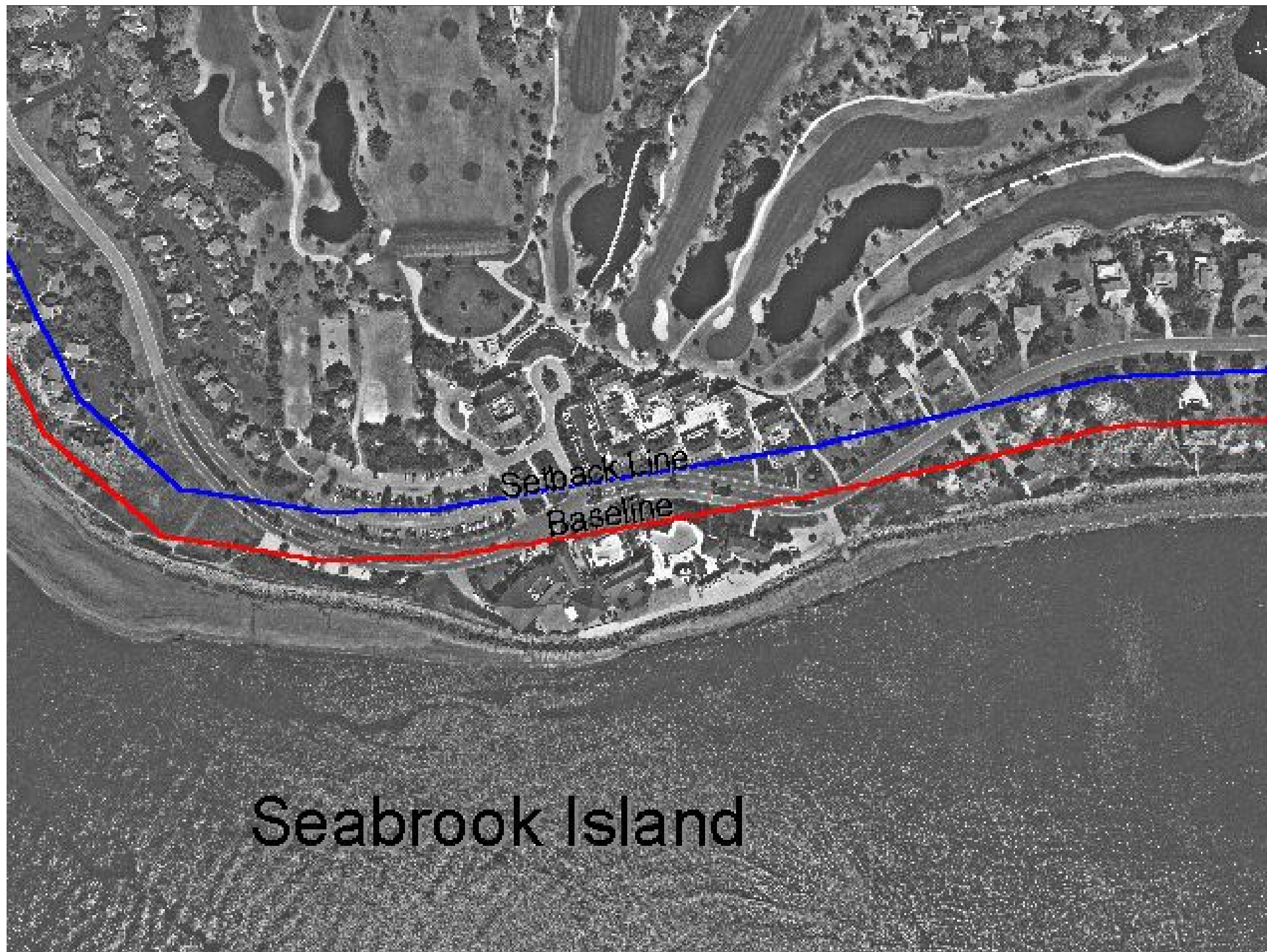
- **Studied the effects of unregulated development and the proliferation of seawalls**
- **Concern that tourism revenue might decline**
- **Recommended changes to the 1977 Coastal Zone Management Act**

The Beachfront Management Act

- **Passed in 1988 as Sections 48-39-250 to 360 of the SC Coastal Zone Management Act**
- **Establishes two lines of jurisdiction, the baseline and the setback line**
- **Establishes long-term erosion rates**
- **Line positions and erosion rates are updated every 8-10 years. 2008-2010 is the next window for line revisions**
- **Regulates beachfront structures and seawalls**
- **Establishes disclosure requirement for buyers**
- **Amended in 1990 and 2002**

Establishing Baselines and Setback Lines

- Standard zone – inlet processes do not dominate the shoreline, and the baseline is set at the crest of the primary dune. If the shoreline is armored, the theoretical dune crest location is determined using beach survey data.
- Inlet zone – inlet and shoal processes dominate the shoreline
 - Unstabilized inlet zone – the baseline is the most landward shoreline location at any time during the past 40 years, unless a scientific study indicates the shoreline is unlikely to return to its former position.
 - Stabilized inlet zone – treated as a standard zone.
- The setback line is drawn landward of the baseline, distance equals 40x the annual erosion rate (minimum 20 ft setback).



Seabrook Island

1988 – New Beachfront Restrictions

- **No construction seaward of the baseline**
- **Limited construction between the baseline and the setback line—new houses limited to 5,000 sf, additions on existing houses must go landward or upward**
- **No new seawalls**
- **Existing seawalls, if destroyed, could be replaced with sloping structures 10' from the building foundation**

Planned Unit Development Exemption

In a PUD approved prior to 1988:

- A house or pool on a vacant lot can be located anywhere landward of the baseline
- A house or pool built prior to 1988 that is destroyed can be rebuilt anywhere landward of the baseline
- A house or pool built after 1988 that is destroyed cannot be rebuilt any farther seaward than the original structure

1st Test - Hurricane Hugo, 1989

- **Many destroyed houses rebuilt farther landward, behind the baseline**
- **Destroyed seawalls replaced with sloping structures 10' from building foundation**



South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management



South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management

2nd Test - 1989 Lucas Law Suit

- **Lucas lots are in Wild Dunes, Isle of Palms**
- **Lots were totally seaward of the baseline, unbuildable under 1988 version of law**
- **Lucas sued, claiming a taking**
- **Case went to US Supreme Court, which ruled in his favor in 1992 and remanded the case for damages**

1990 Revisions to Beachfront Management Act

- **Construction seaward of the baseline could now be authorized**
- **Folly Beach was partially exempted**
- **Destroyed seawalls could not be rebuilt**
- **“Destroyed” threshold for walls was 80% in 1990, 66 2/3% in 1995, 50% in 2005**
- **“Destroyed” threshold for houses has always been 66 2/3%**

Construction Seaward of the Baseline:

- **Beach access walkways**
- **Wooden decks, up to 144 square feet**
- **Fishing piers, open to the public**
- **Golf courses**
- **Landscaping**
- **Existing pools landward of an erosion control structure can be rebuilt**
- **Any other “special permit” structures**

“Special Permit” structures = houses

- **Section 290-D and Reg. 30-15(F)**
- **No larger than largest, never >5,000 s.f.**
- **As far landward as practical, never farther seaward than neighboring houses**
- **Never on primary dune or active beach**
- **No seawall as part of foundation**
- **If the house is ever located on the active beach, it must be removed***
- **Only 60 special-permit houses state-wide**

Folly Beach Exemption

- **Doesn't name Folly Beach, but exempts "Section 111" study areas**
- **The baseline must follow the line of existing erosion control structures**
- **The local government must agree to the baseline position**
- **There is no setback line**
- **Destroyed seawalls can be rebuilt**

1992 Lucas Law Suit Resolution

- While courts were determining damages, settled out of court
- State issued 2 special permits to Lucas
- State purchased lots for \$425k each, plus \$725k awarded (\$1.575M total)
- State sold lots, transferred permits
- Lots were built on in 1995 and 1998

1997 Shoal Attachment



Lucas Lot, 1997: 150' of Erosion in 18 Months



New Swimming Pools

- **No new pools seaward of the baseline under Reg. 30-15(F)(6)(b)**
- **New pools between the setback line and the baseline only if they are:**
 - **landward of an erosion control structure, OR**
 - **located in a PUD-exempt area**

Beach Renourishment

- **Average \$3 million annually in state funding over the past 20 years, \$5 million annually in past 3 years**
- **No dedicated state funding source**
- **Usually matched with federal/local dollars**
- **No public money spent on beaches without adequate public access**
- **Recent projects at Folly Beach, Edisto Beach, Debidue Beach, Hunting Island, and Hilton Head**

1990 Seabrook Island Project



South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management

Seaward movement of the Baseline

- **A local government, or a property with the endorsement of the local government, can petition the Administrative Law Court to move the baseline seaward following a successful renourishment project.**

New Shore-Perpendicular Groins

- **Not considered erosion control structures**
- **Allowed under the 2002 BMA amendment**
- **Can only be permitted:**
 - **In conjunction with beach renourishment**
 - **Where existing development is threatened**
 - **In areas with high erosion rates**
 - **As part of an on-going plan for future renourishment, with a financial commitment**

Beachfront Management Act Summary

- No new seawalls or revetments
- Existing walls can't be rebuilt if destroyed
- New house construction as far landward as possible, limited to 5,000 sf heated space
- Additions to a house must be landward or upward from the existing structure
- No new pools seaward of the baseline
- Disclosure requirement

The Policy of the Beachfront Management Act: To protect, preserve, restore, and enhance the beach-dune system

